IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3536 OF 2005
IN
FIRST APPEAL (ST.)NO.11584 OF 2005

Nandkishor V.Jadhav. ..Applicant.

V/s.

Smt.Jayashri S. Dhane & ors. ..Respondents.

Mr.K.V.Saste for applicant.

Mr.Uday Warunjikar for Respondent Nos.1 to 5.

CORAM: A.M.KHANWILKAR,J

DATE : JANUARY 12, 2006.

P.C. :

1. Heard counsel for the parties. No reply has been filed by the respondents controverting assertions made in the application. Counsel for the respondents however, submits that no sufficient cause has been made out. He submits that no reason is forthcoming as to what prevented the applicant from filing the appeal within the period of limitation after the certified copy was ready in August, 2004, in any case till March, 2005. Whereas the present appeal came to be filed on 28th April, 2005.

2. Having considered averments in the application, even though averments are not very clear

and specific, in the interest of justice, I am inclined to condone the delay which around 160 days. The explanation offered by the applicant is that even the applicant had suffered serious injuries during the accident and has incurred 40% permanent disability. The applicant is in financial difficulty and his family i.e. wife and minor children are totally dependent on him. Taking over all view of the matter, as mentioned earlier in the interest of justice, I am inclined to condone the delay. Accordingly, application allowed in terms of prayer clause(a).

4. First appeal be registered and placed for admission as per its turn.

5. No order as to costs.